United Nations S/2016/949*

Security Council

Distr.: General
10 November 2016

Original: English

Report of the Secretary-General on the implementation of measures to counter trafficking in persons

I. Introduction

1. The present report is submitted pursuant to the statement of the President of the Security Council of 16 December 2015 (S/PRST/2015/25), by means of which the Council requested me to report back to it on progress made in 12 months to implement better existing mechanisms countering trafficking in persons and to carry out steps requested in the statement. The assessment and observations contained in the present report are based on information provided by Member States and the United Nations system.

II. Recent developments concerning trafficking in persons related to conflict

2. Linkages between conflict and trafficking in persons, particularly of women and girls, have most recently been identified by the Special Rapporteur of the Human Rights Council on trafficking in persons, especially women and children, as a result of extensive research conducted since mid-2015 and documented in her reports to the Council (A/HRC/32/41 and Add.1) and the General Assembly (A/71/303), in which she called for prioritizing the protection of people during conflict and of people fleeing conflict from all forms of human trafficking.

3. On the occasion of the 2016 World Day against Trafficking in Persons, I noted that human traffickers prey on the most desperate and vulnerable, and called on the international community to tackle crises that force people across borders, seas and deserts. Armed conflicts and humanitarian crises expose those caught in the crossfire to increased risk of being trafficked both in and beyond conflict zones and exacerbate many factors that increase individual and group vulnerability to human trafficking, such as lack of economic livelihood, discrimination and gender-based violence, and that have a disproportionate impact on groups that already lack power and status in society, including women, children, migrants, refugees and the internally displaced.

* Reissued for technical reasons on 6 December 2016.

16-18325* (E) 061216

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A. Trafficking in persons beyond the conflict zone

4. The consequences for people compelled to move because of conflict cannot be ignored; migrants who move out of necessity rather than free choice are at greater risk of trafficking in persons throughout their migratory experience. In the 2016 *Global Report on Trafficking in Persons*,[1] the United Nations Office on Drugs and Crime (UNODC) confirms that trafficking in persons is largely an international phenomenon and that cross-border trafficking flows generally follow overall migratory flows. It notes that, as reported by the 156 Member States that contributed to the report, the majority of trafficking victims detected globally (about 60 per cent) are foreigners in the country where they have been identified, most of them migrants. In late 2015, the International Organization for Migration (IOM) published research on addressing human trafficking in crises,[2] in which it analysed the links between human trafficking, exploitation and crisis, including conflict, and recommended that counter-trafficking activities should start at the outset of any crisis and before evidence of trafficking and/or exploitation surfaces.

5. Escaping from a conflict zone or arrival at a sought-after destination does not always shield those fleeing conflict from becoming victims of trafficking; specific vulnerabilities increase the risk of becoming prey to criminals. In her reports, the Special Rapporteur on trafficking in persons, especially women and children found that refugees and asylum seekers, including numerous unaccompanied children from the Sudan and Somalia, have been kidnapped or lured from refugee camps or while en route, sold and subsequently held captive in Libya or in the Sinai desert for purposes of exploitation through extortion, and that migrants fleeing conflict in the Sudan have been targeted for organ harvesting in Egypt. Irregular migrants, including unaccompanied children, may often be compelled to work in exploitative circumstances to sustain themselves and/or to support their families. Iraqi and Syrian refugee children in other Middle Eastern States work in textile factories, construction and the food service industry, and as agricultural workers or street vendors in conditions amounting to forced labour. According to the Special Rapporteur, there appear to be organized systems within some refugee camps for facilitating similar work arrangements. Information collected for the *Global Report on Trafficking in Persons* has shown an increasing number of trafficking victims from conflict-affected countries such as the Syrian Arab Republic, Iraq and Somalia in countries in Europe, Asia and the Middle East.

6. The nexus between conflict-related sexual violence and human trafficking and their cross-border dynamics were acknowledged in my report on conflict-related sexual violence (S/2016/361/Rev.1), in which I provided information on smugglers demanding sex as "payment of passage" and on an evolving criminal infrastructure designed to exploit refugees through human trafficking, commercial sex and sexual slavery, including in the context of the current mass migration movements.

7. In my report to the high-level plenary meeting of the General Assembly on addressing large movements of refugees and migrants (A/70/59), held on

[1] Forthcoming.

[2] International Organization for Migration, *Addressing Human Trafficking and Exploitation in Times of Crisis: Evidence and Recommendations for Further Action to Protect Vulnerable and Mobile Populations* (Geneva, 2015).

19 September 2016, I noted that although exact figures were difficult to obtain, the risk of human trafficking significantly increased in large movements of refugees and migrants. The outcome document of the high-level plenary meeting, the New York Declaration for Refugees and Migrants,[3] paves the way for two new global compacts to address this issue. In the Declaration, Member States make a commitment to combat human trafficking with a view to its elimination, including through targeted measures to identify and assist victims of human trafficking and those at risk, as well as to prevent human trafficking among those affected by displacement, taking into account the particular vulnerabilities of women and children.

B. Human trafficking in conflict situations

8. Civilian populations are viewed by some armed groups as a resource or commodity to be trafficked, as evidenced recently by the abduction and cross-border trafficking of Syrian and Iraqi women and children and documented in my report on conflict-related sexual violence. It is well known that internally displaced and refugee women and girls in areas controlled by the Islamic State in Iraq and the Levant (ISIL)[4] have been sold or forcibly married to fighters in armed groups or to wealthy foreigners. Instances of trafficking of migrant workers into conflict zones through deceptive and/or fraudulent recruitment practices have also been reported by the Special Rapporteur.

9. Specific, sometimes new, forms of trafficking can emerge during conflict, including when there is a high risk or incidence of atrocities, such as war crimes and crimes against humanity, including genocide. According to a report by the International Centre for Migration Policy Development,[5] some forms of trafficking, including for forced marriage and exploitation in armed conflict, have increasingly emerged following the beginning of the Syrian crisis and can be seen as directly related to the war. At the same time, the report noted that most related trafficking is not committed by highly organized criminal networks, but rather by family members, acquaintances and neighbours.

10. In recent years, terrorist groups such as ISIL and Boko Haram have openly advocated for and engaged in sexual enslavement and trading in women and girls through human trafficking. In its report to the Human Rights Council entitled "They came to destroy: ISIS crimes against the Yazidis" (A/HRC/32/CRP.2), the Independent International Commission of Inquiry on the Syrian Arab Republic concluded that the forced displacement and sale of women and girls by ISIL amounted to the crime of human trafficking. In my report on children and armed conflict (A/70/836-S/2016/360), I reported that in areas controlled by ISIL, girls reportedly were vulnerable to forced marriages to fighters, while Yazidi girls captured in Iraq were reportedly trafficked into the Syrian Arab Republic and used as sex slaves.

[3] General Assembly resolution 71/1.

[4] Also known as Da'esh. The terms are used interchangeably by various stakeholders.

[5] *Targeting Vulnerabilities: The Impact of the Syrian War and Refugee Situation on Trafficking in Persons: A Study of Syria, Turkey, Lebanon, Jordan and Iraq* (Vienna, 2015).

11. On 16 September 2016, UNODC appointed Nadia Murad Basee Taha, a survivor of ISIL human trafficking, as its Goodwill Ambassador for the Dignity of Survivors of Human Trafficking. This is the first time a survivor of human trafficking has been appointed Goodwill Ambassador. Ms. Murad will focus on advocacy initiatives and on raising awareness on the plight of victims of trafficking, especially refugees, women and girls.

C. Human trafficking, armed conflict and organized crime

12. In my report on conflict-related sexual violence, I also highlighted that the use of sexual violence by terrorist groups to increase their power, recruitment base and revenue through human trafficking should be part of the global discourse and action on curbing financial flows to violent extremists. In my reports on the threat posed by ISIL to international peace and security (S/2016/92 and S/2016/501), I noted that trafficking of women and girls remained a critical component of the financial flows to ISIL and its affiliates. I cited tactics such as the ransoming and sale of women and girls to mobilize resources and fund operations, with terrorists using modern technologies such as encrypted messaging to keep online bidding processes secret.

13. These findings were echoed in the fourth global survey of the implementation by Member States of Security Council resolution 1373 (2001) (S/2016/49, annex), which noted that cooperation with organized criminal networks provided terrorist groups with access to funding and resources through human trafficking and smuggling of, inter alia, human beings, in particular women and girls. States' border control measures are thus vulnerable to systematic exploitation by human traffickers operating in close collaboration with terrorist groups. The nexus between trafficking in persons, organized crime and terrorism was further recognized by the General Assembly in its resolution 70/291 on the United Nations Global Counter-Terrorism Strategy Review, in which the Assembly expressed concern that terrorists might benefit from transnational organized crime in some regions, including from trafficking in persons. In his report (A/71/384) the Special Rapporteur of the Human Rights Council on the promotion and protection of human rights and fundamental freedoms while countering terrorism raised the concern that certain actions of Member States, such as push-back operations and criminalization of irregular migration, contributed to the chaotic and covert movements of people, including through human trafficking, and might ultimately assist those intent on committing acts of terrorism.

14. In a joint report on migrant smuggling networks issued in 2016,[6] the European Police Office (Europol) and the International Criminal Police Organization (INTERPOL) noted that while no systematic link between migrant smuggling and terrorism had been proven, there was an increased risk that foreign terrorist fighters might use migratory flows to (re)-enter the European Union. They also noted that "oligopolization" of the criminal market for smuggling was taking place, with larger criminal networks gradually taking over smaller opportunistic networks; this, in turn, could lead to an increase in cases of human exploitation, especially labour exploitation, most particularly in migrants' destination countries.

[6] *Migrant Smuggling Networks: Joint Europol-INTERPOL Report*, May 2016.

15. In my report pursuant to Security Council resolution 2240 (2015) on the smuggling of migrants and trafficking in persons in the Mediterranean Sea off the coast of Libya (S/2016/766), which addressed the tragedy of men, women and children smuggled and trafficked by sea from Africa's northern shores to Europe, I reiterated that there were links between human trafficking, armed conflict and organized crime and corruption, noting that organized criminal networks, including those involved in the smuggling of migrants and trafficking in persons, had exploited the security situation in Libya to expand their operations, which, in turn, had added to its instability. Those profitable activities had provided both direct and indirect funding for armed groups and terrorist organizations and contributed to the fragility of governance structures by breeding corruption.

16. The use of existing mechanisms such as anti-money-laundering and counter-terrorist financing tools, as well as sanctions regimes, to monitor and disrupt human trafficking connected to conflict has been cited and action taken over the last 12 months. In adopting resolution 2253 (2015), the Security Council expanded and strengthened the framework of its sanctions against Al-Qaida to include a focus on ISIL/Da'esh. Financial mechanisms and proposals such as the use of social media campaigns and counter-messaging were discussed at a workshop on fighting human trafficking in conflict organized by the United Nations University in June 2016, with the participation of representatives of civil society, including the private sector and academia, as well as Member States and United Nations agencies, to consider a strengthened response to human trafficking in conflict.

D. Trafficking in post-conflict settings

17. Human trafficking activities have also been noted in post-conflict contexts, fuelled by absent or dysfunctional law enforcement and justice institutions and enhanced vulnerability of local populations. Sadly, abuses can also be committed by those trusted to protect. The presence of peacekeeping forces could generate an increase in demand for sexual services in countries of deployment and in some cases, this could be linked to trafficking for purposes of sexual exploitation.[7]

18. The United Nations zero-tolerance policy on sexual exploitation and abuse is defined in the Secretary-General's bulletin on special measures for protection from sexual exploitation and abuse (ST/SGB/2003/13) and has been adopted for military, police and other personnel. Numerous initiatives, policies and resolutions have been implemented as a result, as described in my reports (A/70/729 and A/71/97). Following allegations in 2014 of sexual exploitation and abuse by international peacekeeping forces in the Central African Republic, I appointed an external independent review panel to review and assess the United Nations. The Independent Review Panel presented its findings, including a number of recommendations, to me at the end of 2015.[8] During the reporting period, the Security Council adopted resolution 2272 (2016) as a key step towards addressing the issue of sexual

[7] See the reports of the Special Rapporteur on trafficking in persons, especially women and children.

[8] *Taking Action on Sexual Exploitation and Abuse by Peacekeepers: Report of an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic*, 17 December 2015.

exploitation and abuse in peace operations and ensuring accountability. The General Assembly subsequently adopted resolution 70/286, in which it welcomed my determination to fully implement the United Nations zero-tolerance policy towards sexual exploitation and abuse, and reaffirmed that all civilian, military and police personnel must be held to the same standard of conduct to ensure the protection of those the Organization is mandated to protect, to ensure a victim-centred response to any sexual exploitation and abuse reports, as well as to preserve the image, credibility, impartiality and integrity of the United Nations.

III. Measures reported by Member States

A. Ratification of the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention

19. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime provides both the first agreed international definition of trafficking in persons and a framework of obligations and standards for Member States to elaborate national responses to fight human trafficking, including that resulting from conflict. The Convention enables multiple practical means of international cooperation to be applied by States against incidents of human trafficking. During the reporting period, two States have become parties to the Convention, the Republic of Korea (5 November 2015) and the Democratic People's Republic of Korea (17 June 2016), while two States have become parties to the Protocol, the Republic of Korea (5 November 2015) and Maldives (14 September 2016). As of 8 November 2016, there were 187 States parties to the Convention and 170 States parties to the Protocol.

20. According to the 2016 *Global Report on Trafficking in Persons*, 87 per cent of reporting countries criminalized all aspects of trafficking in persons explicitly listed in the Protocol, 9 per cent had partial legislation and 4 per cent did not have any offence in their legislation which specifically criminalized trafficking in persons.[9] The report also shows that the level of criminal convictions for trafficking in persons globally has remained low. Between 2012 and 2014, approximately 25 per cent of countries covered by the report had 10 or fewer related convictions per year. Approximately 15 per cent of contributing countries did not report a single conviction.

B. Implementation of applicable legal obligations to criminalize, prevent and otherwise combat trafficking in persons

21. In implementing the requirements and standards of the Convention and the Protocol, many Member States have adopted comprehensive legal frameworks that

[9] Out of 179 Member States considered for the relevant section of the report.

provide a foundation for effective action against human trafficking.[10] Dedicated anti-trafficking laws, some enacted during the reporting period, may provide for a range of measures beyond criminalization, including for victim identification, protection and support and compensation services, and the establishment of national coordination mechanisms. All criminalize human trafficking through explicit criminal offences in their penal codes or other law. Extended territorial jurisdiction in some existing laws regarding the actions of citizens could enable States to apply these provisions abroad, including in conflict zones.

22. To protect vulnerable persons, including victims of human trafficking, in the context of migration crises across the globe, some States have enhanced their legislative provisions for asylum and first-reception procedures. Specific new legislation was also reported to regulate commercial prostitution and to combat organ trafficking. New laws were cited that have been enacted to tackle corruption and/or the complicity of public officials with trafficking syndicates, with one State additionally reporting that a number of officials have been subjected to both disciplinary and criminal sanctions for related acts.

23. In line with the requirements of the Convention and the Protocol, many Member States have developed strategic frameworks or national action plans aimed at strengthening and facilitating national coordination against human trafficking and enhancing exchange of information, good practices and capacity-building. These efforts are usually led by national anti-trafficking coordination committees or operational teams (task forces) headed by rapporteurs or coordinators and composed of representatives of all relevant ministries and government agencies, as well as civil society, and that have monitoring and evaluation mechanisms. Some deal with specific types of human trafficking, such as trafficking for forced labour. One State has recently created a survivor advisory council which integrates former victims of human trafficking into national decision-making and coordination processes.

24. Many States acknowledged the importance of specialized multidisciplinary counter-trafficking law enforcement units or specialized prosecutors' offices for effective investigations of human trafficking cases. Member States developed specialized policies and guidelines on investigation and prosecution, and delivered regular specialized training for relevant criminal justice officials such as law enforcement officers, prosecutors and judges and officials with other relevant functions. Some States also noted special programmes to train law enforcement agents due to be posted overseas to countries of origin of trafficking victims.

25. Links with other forms of organized crime were highlighted as an important area of intervention, with Member States developing specialized procedures for criminal justice actors. Some States have successfully used financial mechanisms to suppress operations of human trafficking syndicates by undertaking concurrent financial investigations and targeting money-laundering and proceeds of crime. States cited the need to develop anti-money-laundering and counter-terrorist financing typologies against human trafficking in areas affected by conflict. At the regional level, guidance materials on criminalizing money-laundering and proceeds of crime were developed in the framework of the declaration adopted at the Sixth

[10] Based on information received from 35 Member States that contributed to the present report.

Ministerial Conference of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, held in Bali on 23 March 2016.

26. Bilateral, regional and international cooperation between countries of origin, transit and destination, as well as effective knowledge-sharing, are crucial to addressing human trafficking resulting from conflict. Many States have concluded bilateral cooperation agreements/partnerships, often to improve law enforcement and prosecution efforts. States reported use of international law enforcement cooperation networks such as INTERPOL and regional networks such Europol, Eurojust, Frontex and the Police Cooperation Convention for Southeast Europe. Some specialized networks, such as the Nordic Network against Child Trafficking, have been created by Member States.

27. States members of the Association of Southeast Asian Nations (ASEAN) signed the ASEAN Convention against Trafficking in Persons, Especially Women and Children, a regional, legally binding agreement, at the end of 2015, and developed an associated Plan of Action. Other regional initiatives have taken place in the framework of the Bali Process, as noted above, and the Southern African Development Community, which has developed a regional political cooperation programme on combating trafficking in persons, especially women and children.[11]

28. With regard to prevention, several Member States reported having elaborated and implemented national development plans or strategies, as well as initiatives to fight poverty or to increase human security in countries of origin of victims of human trafficking. Some States noted involvement in data collection projects to facilitate analysis of the nature and extent of human trafficking. Member States raised awareness on human trafficking in cooperation with the private sector, civil society and international organizations and among particular communities or specific groups through the UNODC Blue Heart campaign or the World Day against Trafficking in Persons (30 July). Some States specifically highlighted the plight of migrants and their vulnerability to human trafficking on the occasion of the 2016 World Day.

[11] Member States also reported being parties to other international and regional human rights instruments, such as the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention on the Rights of the Child and its Optional Protocols on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict; the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others; the International Labour Organization Forced Labour Convention, 1930 (No. 29) and its Protocol of 2014; the Abolition of Forced Labour Convention, 1957 (No. 105); and the Worst Forms of Child Labour Convention, 1999 (No. 182); the Council of Europe Convention on Action against Trafficking in Human Beings; and European Union Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims.

C. Implementation of robust victim identification mechanisms and providing access to protection and assistance for identified victims, particularly in relation to conflict

29. Many States have comprehensive national systems for identification of and support to trafficking victims, involving a range of stakeholders. Specific mechanisms allow victims or people in contact with victims or potential victims of trafficking to access guidance, support and assistance, including for anonymous reporting of cases to authorities. An increase in the number of identified victims was observed by some States during the reporting period.[12]

30. Many Member States exempt victims of trafficking from criminal prosecution for crimes committed as a result of being subjected to trafficking. Despite this progress, one State noted that, for example, not all victims received immunity for prostitution offences and more action was needed to ensure that trafficking victims were not criminalized for crimes committed in the course of their experience. In ensuring a victim-centred approach, many States provide residence and/or the right to work regardless of whether the victim cooperates with a counter-trafficking investigation. Successful practices in providing job placements to trafficking victims during the reporting period were reported by a State, which noted its intention to regularize additional victims in the future with the aim of reducing their vulnerability to retrafficking.

31. States noted that the provision of specialized training to a maximum range of actors is paramount. Many Member States have institutionalized multidisciplinary training programmes on indicators of human trafficking for staff of various services, and some have incorporated victim feedback in such training on topics including victim identification, victim-centred best practices in investigations and prosecutions, and trauma-informed victim interview techniques. Several States also reported on comprehensive training and sensitizing programmes for military personnel before deployment to peacekeeping missions and for diplomatic and consular personnel before deployment abroad, aimed at preventing human trafficking and to ensure compliance with international humanitarian law and international human rights standards, including regarding the rights of women and children and conflict victims, among others.

32. Member States noted that special attention should be afforded to vulnerable groups, such as women and children. Many States have specialized services, such as dedicated shelters for women and children, while one State is currently elaborating a national referral mechanism for child victims of human trafficking. As a result of the recent migration crisis in Europe, States reported putting in place institutionalized integrated protection frameworks for protection of refugee women and children and other vulnerable persons. Some States reported preparing special procedures for screening for trafficking victims among refugees and asylum seekers, particularly those arriving from areas affected by ISIL activity. Training staff in the health sector and in the refugee and asylum reception and detention centres to assist victims of human trafficking was also seen as a good practice.

[12] Contributing initiatives at both the national and regional levels were cited, including the Bali Process Policy Guides on Identifying and Protecting Victims of Trafficking.

33. The need to ensure the availability of appropriate resources was emphasized. In this respect, some States noted an increase in government funding allocated for such assistance, and others reported they were able to assist more victims than they had previously. Some Member States have also established trust funds to support victims of crime, including victims of human trafficking. Much such assistance is delivered in cooperation with United Nations system and international organizations, including IOM, and/or non-governmental organizations (NGOs).

34. Established by the General Assembly under the United Nations Global Plan of Action to Combat Trafficking in Persons, the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children, continued to operate throughout the reporting period. Its mandate emphasizes direct assistance to victims, including women and children, and, most recently, the Fund has focused on specialized assistance to female victims of sexual exploitation and child victims of human trafficking. As of October 2016, the Trust Fund had supported 34 NGO projects in 30 countries around the world, including those receiving refugees from conflict-affected areas, such as Albania, Egypt, Ethiopia, Malta and Nigeria. Grants totalling $2 million have facilitated direct assistance to approximately 2,500 trafficking victims every year through services such as basic shelter, psychosocial support, legal counselling and representation in court, education and vocational training, primary health care and small stipends. At the time of writing, an additional 50 proposals remain on the reserve list for possible new contributions to be received by the Trust Fund.

35. Similarly, the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery awards grants to victim-focused projects run by civil society organizations aimed at providing humanitarian, legal, psychological, social and financial assistance to individuals who have been subjected to modern-day slavery. Trafficking in persons is recognized as a contemporary form of slavery by the Fund. In 2016, 55 per cent of the 42 grants awarded by the Fund are for projects providing direct assistance to victims of trafficking for the purposes of sexual exploitation, forced labour, the worst forms of child labour and forced and early marriage. A total of 4,663 victims will be provided with essential services in the five regions.

D. Ensuring accountability for human trafficking in situations of armed conflict

36. Limited information was reported on the investigation and prosecution of those who engage in human trafficking in situations of armed conflict, with several Member States reporting on their efforts in this regard through extended jurisdiction and by investigating human trafficking-related cases involving their military personnel. In 2015, I adopted a six-month timeline, subject to extenuating circumstances, for United Nations entities to conclude investigations into sexual exploitation and abuse, and requested Member States to commit to the same timeline (see A/69/779). In its resolution 2272 (2016), the Security Council requested Member States to conduct their investigations in line with my request. Some examples of accountability were highlighted in 2016 in my reports on special measures for protection from sexual exploitation and abuse (A/70/729) and on combating sexual exploitation and abuse (A/71/97), in which I noted successful

investigations and prosecutions by several Member States of members of their contingents resulting in imprisonment and dismissal from service. Member States' capacities for rapid response to sexual exploitation and abuse have been increased through inclusion of national investigative officers in all deployed military units, which began in February 2016. Many Member States also indicated that they would work jointly with the Office of Internal Oversight Services (OIOS) to increase the transparency of their national investigations.

E. Mitigating the risk of public procurement and supply chains contributing to trafficking in persons in situations of armed conflict

37. In noting national responses to combating trafficking in persons in the context of supply chains, Member States emphasized the importance of a broad engagement to prevent trafficking, including private sector mobilization and self-regulation as well as State regulation and inspection. Member States noted measures to ensure that government procurement practices and regulations do not contribute to human trafficking, including regulatory enhancements requiring the obligatory application of a best bidder principle, regulating parent and subcontracting companies and clarifying recruitment procedures for contractors. Some Member States reported having put special regulatory procedures in place for citizens working overseas and/or vulnerable workers including restricting recruitment fees and introducing licensing requirements, contract registration and in-person registration programmes. Legislative efforts also aimed at the elimination of imports of goods produced with the use of forced labour, empowering authorities to shut down workplaces or suspend operating licences of private actors and protecting whistle-blowers against civil and criminal litigation.

38. Several Member States have organized multi-stakeholder, public-private activities with a focus on prevention, identification and advocacy in the context of addressing prostitution and human trafficking in the hospitality and tourism sectors. Some Member States have conducted public-private sector training on prevention and protection against sexual exploitation of children in tourism networks, with the involvement of civil society.

IV. Response of the United Nations system

A. Technical assistance provided by the United Nations Office on Drugs and Crime, including with respect to investigation and prosecution of trafficking cases

39. Member States continued to receive technical assistance from UNODC, through both its global programmes and its field offices, to address human trafficking by means of activities implemented across Africa, the Middle East, South, South-East and Central Asia, Eastern Europe and Latin America. Under the global programmes alone, tailored technical assistance activities reached more than 30 countries. Capacity-building assistance at the national level has been provided to eight countries since December 2015, while seven Member States received

legislative support. More than 400 criminal justice practitioners and relevant stakeholders received specialized training and briefing through some 13 technical assistance activities, which included capacity-building workshops for judicial, prosecutorial and law enforcement actors, train-the-trainer initiatives and regional trainings for representatives of judicial training institutions. UNODC supported development of national action plans aimed at strengthening and facilitating national coordination.

40. A joint European Union-UNODC four-year Global Action to Prevent and Address Trafficking in Persons and the Smuggling of Migrants was launched in January 2016, with assistance delivered to 13 countries in Africa, Asia, Eastern Europe and Latin America, in partnership with IOM and the United Nations Children's Fund (UNICEF). UNODC further expanded the public Human Trafficking Case Law Database which, as of 8 November 2016, included 1,352 cases from 94 jurisdictions. A case digest of evidentiary issues drawing from those cases was presented during the eighth session of the Conference of the Parties to the United Nations Convention on Transnational Organized Crime, held in October 2016. UNODC also serviced and provided support to the twenty-fifth session of the Commission on Crime Prevention and Criminal Justice, held in May 2016, and coordinated the preparation of my report on improving the coordination of efforts against trafficking in persons (A/71/119) and implementation of the statement by the President of the Security Council on human trafficking.

B. Reducing the risk of United Nations procurement and supply chains contributing to trafficking in persons in situations of armed conflict

41. A number of well-established United Nations system-wide rules and procedures are relevant to preventing United Nations activities from contributing to human trafficking in situations of armed conflict. The United Nations procurement procedures require contracted companies to accept and comply with the United Nations Supplier Code of Conduct, which prevents United Nations suppliers from engaging in any form of forced or compulsory labour. In addition, the Code of Conduct specifies that United Nations suppliers are expected to support and respect the protection of internationally proclaimed human rights, to ensure that they are not complicit in human rights abuses, to create and maintain an environment that treats all employees with dignity and respect and to not use any threats of violence, sexual exploitation or abuse, or verbal or psychological harassment or abuse. Child labour and sexual exploitation and abuse are prohibited by the United Nations General Conditions of Contract, which also oblige United Nations suppliers to observe all applicable law in the performance of obligations under the contract. Suppliers are also legally bound to maintain compliance with all obligations relating to their registration as qualified vendors of goods or services to the United Nations, including their acceptance of the United Nations Supplier Code of Conduct.

42. The United Nations Global Compact calls on companies globally to align their operations and strategies with 10 universally accepted principles in the areas of human rights, labour, the environment and anti-corruption, and to take action in support of United Nations goals and issues, notably as embodied in the 2030

Agenda for Sustainable Development, three of whose targets call explicitly for the elimination, eradication or end of trafficking in persons.[13] All United Nations suppliers are encouraged to participate actively in the Global Compact by supporting and respecting international human rights and by refusing to participate in or condone human rights abuses.

C. Efforts to prevent, respond to and ensure accountability for sexual exploitation and abuse in the context of United Nations peacekeeping missions

43. In 2016, I reported to the General Assembly on progress made by the United Nations in implementing special measures for protection against sexual exploitation and abuse, including on addressing the recommendations made by the Independent Review Panel to review and assess the United Nations response to allegations of sexual exploitation and abuse by international peacekeeping forces in the Central African Republic, and outlined specific steps for the implementation of Security Council resolution 2272 (2016) (see A/70/729 and A/71/97). In implementing the recommendations of the Independent Review Panel, the United Nations has, in 2016, established standard processes to strengthen collaboration with partners in the field, including Member States and local actors, to ensure a victim-centred approach to reports of sexual exploitation and abuse and the timely and adequate delivery of assistance. While the recommendations targeted conduct by international peacekeeping forces, I have sought to apply their underlying principles to all United Nations personnel, including uniformed and civilian personnel, contractors, United Nations Volunteers and experts on mission.

44. Since December 2015, a number of related actions have taken place to unify, organize and prioritize a harmonized system-wide approach to combating sexual exploitation and abuse. In February 2016, I appointed a Special Coordinator on Improving the United Nations Response to Sexual Exploitation and Abuse for an 11-month term, with the mandate to measurably strengthen the ability of the Organization to prevent and respond to incidents of sexual exploitation and abuse by United Nations personnel and non-United Nations forces operating under a Security Council mandate. On my behalf, and reporting through the Chef de Cabinet, the Special Coordinator is focusing efforts, system-wide, to align, strengthen, build on and track ongoing measures in the areas of prevention, enforcement and assistance. A system-wide working-level group was established in March 2016 chaired by the Special Coordinator. It meets every two weeks, is comprised of representatives of relevant United Nations agencies and includes expertise in human rights, gender violence, child protection and sexual violence in conflict.

45. A range of measures to strengthen the United Nations system's ability to prevent and respond to sexual exploitation and abuse are being implemented by the working group, to be completed by the end of 2016. The Office of the United Nations High Commissioner for Human Rights (OHCHR) and UNICEF are currently in the process of finalizing the development of a uniform United Nations

[13] Sustainable Development Goal targets 5.2, 8.7 and 16.2.

protocol on assistance to victims of sexual exploitation and abuse. Effective July 2016, agencies, funds and programmes are required to report in "real time" on sexual exploitation and abuse, as opposed to annually. Additionally, in August 2016, the Office of the Special Coordinator launched a survey to gather baseline information on standards of conduct from all categories of personnel deployed by United Nations entities serving in specified field locations with a high risk of sexual exploitation and abuse.

46. Wide-ranging initiatives continue to be implemented by the Department of Peacekeeping Operations and the Department of Field Support for United Nations personnel in peacekeeping and special political missions. International civilian staff, military observers, police officers and military staff officers, as well as United Nations Volunteers, are all subject to vetting at the outset of deployment to a field mission. Extended vetting of large numbers of uniformed personnel (members of military contingents and formed police units) was implemented by the Secretariat in April 2016, completing the scope of vetting to include all civilian, police and military personnel. Member States are also required to formally certify that there is no record of prior misconduct or human rights violations by the members of military and police personnel deployed. All personnel continue to receive predeployment and in-mission training on standards of conduct, and Member States must certify the delivery of the predeployment training. An eLearning programme on prevention of sexual exploitation and abuse is being piloted in missions, to be rolled out by the end of 2016. Missions have established community-based complaint reception mechanisms and received instructions to intensify risk management. In line with the global sexual exploitation and abuse communications strategy, enhanced outreach and advocacy efforts are being implemented in missions through various media with a focus on increasing local community awareness of the Organization's zero-tolerance policy and the safety and confidentiality of sexual exploitation and abuse reporting, particularly in remote areas. A trust fund to support services for victims of sexual exploitation and abuse was established in March 2016 with efforts led by the Office of the Under-Secretary-General for Management and the Conduct and Discipline Unit of the Department of Field Support and funds from two Member States; two additional commitments of funds have also been received.

47. In order to implement the requirements, contained in the statement by the President of the Security Council on trafficking and Council resolution 2272 (2016), to investigate sexual exploitation and abuse allegations and hold perpetrators accountable within their units, all missions have established sexual exploitation and abuse task forces and designated focal points. Immediate response teams have also been established, tasked with gathering and preserving evidence following sexual exploitation and abuse reports, and a targeted training package is under development by OIOS. New deployment requirements were introduced by the Secretariat in February 2016 requiring troop-contributing countries to include officers in all deployed military units by July 2016 to facilitate national investigations by Member States. Several Member States have carried out investigations into sexual exploitation and abuse during the reporting period. Intensified financial sanctions have also been imposed for sexual exploitation and abuse in order to strengthen accountability among all categories of personnel. As requested by the Council in resolution 2272 (2016), the Secretariat finalized in July 2016 a guidance for decisions to repatriate military or formed police units when

there is credible evidence of widespread or systemic sexual exploitation and abuse. While resolution 2272 (2016) also refers to non-United Nations forces operating under a Security Council mandate, Member States are encouraged to adopt standards similar to those detailed in the guidance. In its resolution 70/286, the General Assembly requested that a special reporting mechanism be established, so as to include information on allegations of sexual exploitation and abuse by non-United Nations forces operating under a Security Council mandate in my future reports on special measures for the protection from sexual exploitation and abuse.

48. OHCHR has implemented specific internal guidance to prevent sexual exploitation and abuse. The World Food Programme (WFP) has issued a code of conduct outlining staff responsibilities to enhance its internal sexual exploitation and abuse prevention measures, and specific terms of reference for country-level protection from sexual exploitation and abuse focal points. WFP has strengthened existing investigative mechanisms to ensure a prompt reaction to reported cases, with awareness-raising and capacity-building efforts including briefings for country offices; the development of an eLearning module on prevention of fraud, corruption and sexual exploitation and abuse; specific modules on protection from sexual exploitation and abuse in trainings; and inclusion of protection from sexual exploitation and abuse in risk-assessment guidance for country offices.

D. Measures taken by United Nations agencies operating in conflict and post-conflict zones to build their technical capacity to address human trafficking

49. The Office of the United Nations High Commissioner for Refugees (UNHCR) works in close partnership with States, other United Nations entities and international organizations, including UNODC, IOM, the United Nations Population Fund, UNICEF and the Organization for Security and Cooperation in Europe, to identify victims of trafficking among recognized refugees and other persons of concern and to ensure that due international protection is provided to those who fear being trafficked, or to those who may suffer serious harm as a victim of human trafficking in their country of origin or habitual residence. Under the UNHCR Strategy and Regional Plan of Action on Smuggling and Trafficking from the East and Horn of Africa, approximately 363 trafficking victims were identified and assisted by UNHCR and IOM and 80 per cent of them have departed to resettlement countries in 2016. A joint IOM-UNHCR framework for the development of standard operating procedures to identify and protect victims of trafficking is currently being updated. A UNHCR Child Protection Regional Initiative for 2014-2016, Live, Learn and Play Safe, operating in Egypt and Yemen contributed to a significant reduction in the trafficking of registered unaccompanied Eritrean children from the Sudan and Ethiopia in 2015.

50. UNODC contributed to efforts to enhance identification and protection of and assistance to trafficking victims among refugees and displaced persons from the Syrian Arab Republic and Iraq through a regional workshop held in Jordan in July 2016. Governmental agencies and NGOs were assisted in developing a proactive and systematic approach to the screening and identification of victims of trafficking among refugees and displaced persons fleeing from the conflicts in those countries

and to the provision of protection, assistance and support, including appropriate referral. A forthcoming publication by UNODC based on the outcomes of this activity will serve to enhance the identification and protection of and assistance to trafficked persons among refugee populations and will be used for further capacity-building activities in the Middle East and North Africa region.

51. During the reporting period, OHCHR continued to provide technical assistance to Member States and civil society groups, as requested by the Human Rights Council. OHCHR is currently finalizing a study on trafficking for organ removal and is conducting research on forms of exploitation, linkages and overlaps among trafficking, slavery and slavery-like practices.

52. Similarly, UNICEF continued to provide a range of services for victims of sexual and gender-based violence in conflict and post-conflict settings, including those who have been victims of human trafficking. The services include supporting the provision of psychosocial assistance, legal aid services and reintegration support. UNICEF continued to promote child-friendly, gender-sensitive investigations.

53. The Office of my Special Representative for Children and Armed Conflict, through the monitoring and reporting mechanism on grave violations against children, documents abductions of children and related violations, including, inter alia, human trafficking. In its resolution 2225 (2015), the Security Council requested me to include in the annexes of future reports on children and armed conflict those parties to armed conflict that engage, in contravention of applicable international law, in patterns of abduction of children in such situations. Pursuant to that request, six parties were listed in the annex to my report of April 2016 (A/70/836-S/2016/360).

54. IOM continued to identify, protect and provide comprehensive direct assistance to victims of trafficking and other vulnerable migrants in times of crisis. Its Displacement Tracking Matrix tool was enhanced to capture human trafficking- and exploitation-related data in emergencies. The tool's Flow Monitoring Survey helps to identify populations of concern, including potential and actual victims of trafficking and exploitation, during crisis and facilitates the provision of immediate protection and assistance to crisis-affected groups or vulnerable individuals and victims who have remained unreached by humanitarian responses. A survey of migration flows to Europe in 2016 (particularly from the Syrian Arab Republic, Afghanistan and Pakistan) revealed that up to 75 per cent of migrants responded positively to at least one of the indicators. IOM is developing a global strategy to fight trafficking and exploitation in crisis and new studies on this topic by IOM are forthcoming.[14] IOM is also currently engaged in addressing human trafficking and exploitation in Iraq, particularly of Yazidi people, and in Yemen and Libya.

55. United Nations police serious and organized crime support units and specialized teams are regularly deployed to peacekeeping missions with a mandate to prevent, disrupt and dismantle organized crime, including trafficking in persons, in post-conflict situations and to strengthen host State police capacity, in partnership

[14] These studies will focus specifically on responses in Nepal and the Western Balkans and on the specific tools used by IOM to assess vulnerability to trafficking and exploitation of populations fleeing crisis.

with UNODC, the United Nations Development Programme, INTERPOL and other relevant actors. Such units were recently created in existing Department of Peacekeeping Operations missions in Mali, the Democratic Republic of the Congo and Haiti, and support is continually being provided to host State police in Central Africa, Liberia and Côte d'Ivoire. For example, in the United Nations Multidimensional Integrated Stabilization Mission in Mali and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, police components developed co-location programmes to deliver mentoring, monitoring and advising activities to law enforcement agencies specialized in human trafficking. Discussions are also under way between the United Nations Assistance Mission in Somalia and UNODC on conducting training and awareness-raising on human trafficking with local police.

56. Special political missions, which are overseen by the Department of Political Affairs, also work closely with national authorities and United Nations country teams to fight human trafficking, including in Afghanistan, Iraq, Libya and Somalia. The United Nations Assistance Mission for Iraq (UNAMI) works closely with the Government of Iraq and the Kurdistan Regional Government Office of Kidnapping Affairs to document and monitor cases of abduction of women and girls by ISIL, as well as coordinating support for those who have been rescued. UNAMI is conducting awareness-raising and advocacy, including for the provision of comprehensive support to survivors of sexual violence and human trafficking, in partnership with United Nations agencies, civil society and religious leaders, and is working with the Office of my Special Representative on Sexual Violence in Conflict to establish a dedicated capacity in the Mission to support monitoring, analysis and reporting arrangements.

57. Special political missions with regional mandates have also been involved in advocacy and prevention efforts. For example, the United Nations Office for West Africa and the Sahel (UNOWAS) has supported civil society organizations working on counter-trafficking and advocates for the prevention of human trafficking with various stakeholders, such as the Economic Community of West African States and the European Union, and has raised the issue of human trafficking in the context of the conflict in Mali and migration trends in West Africa and the Sahel. UNOWAS also regularly reports on the issue of human trafficking as part of its monitoring of the activities of Boko Haram.

58. The Special Rapporteur on trafficking in persons, especially women and children convened an expert consultation in July 2016 on exploitation of workers in supply chains. The meeting was part of a larger project on combating human trafficking in supply chains, the goal of the project being to reduce the vulnerability of workers in supply chains by strengthening multi-stakeholder and industry-based strategies.

59. In implementing its global monitoring mandate on the prevention of genocide and related crimes, the Office on Genocide Prevention and the Responsibility to Protect assesses various types of situations on the basis of its Framework of Analysis for Atrocity Crimes, including those that may result in forced displacement, forced migration and human trafficking, as well as serious violations of human rights and international humanitarian law committed in the context of forced migration and human trafficking that may amount to atrocity crimes. Based

on this assessment, the Office advises me and the United Nations system, provides recommendations for preventive action and raises concerns with Member States and civil society.[15]

60. In line with its mandate on terrorism prevention, the Counter-Terrorism Committee, with the support of its Executive Directorate, encourages Member States to criminalize the facilitation of migrant smuggling and human trafficking; the production of fraudulent travel or identity documents; the procuring, providing or possessing of such fraudulent documents; and enabling non-nationals to remain illegally in the State. The Committee has sought to raise the awareness of Member States and the international community of the plight of victims of human trafficking by terrorist groups, including ISIL, Boko Haram and Al-Shabaab, and, in its third report on the implementation of Security Council resolution 2178 (2014) (see S/2015/975), recommended that Member States, inter alia, develop effective regional cross-border cooperation mechanisms and work closely with border communities to facilitate knowledge-building.

61. With regard to enhancing States' border control measures, the International Civil Aviation Organization (ICAO) is currently in the process of amending annex 9 to its Standards and Recommended Practices on border control in international airports to enhance border control procedures for the treatment of minors travelling by air, thereby providing additional protection from trafficking in persons, including in situations of armed conflict. Other ICAO tools such as the Traveller Identification Programme (ICAO TRIP) promote a robust identification management regime, modern, secure travel documents and effective border and identity controls. ICAO assists its member States in implementing the ICAO TRIP Strategy and, in so doing, to strengthen their capabilities to expedite the movements of legitimate travellers while intercepting high-risk individuals and potential victims of human trafficking. Through its TRIP Strategy and annex 9 Standards and Recommended Practices, ICAO also strongly supports the implementation of Security Council resolution 2178 (2014).

62. In May 2016, the Charter on Inclusion of Persons with Disabilities in Humanitarian Action was endorsed by 127 stakeholders at the World Humanitarian Summit. The Charter, which covers persons with physical and mental disabilities and specifically calls for provision of appropriate services, including accessible health and psychosocial services, to respond to the needs of persons with disabilities in crisis situations, is applicable also to United Nations peacekeeping and peacebuilding efforts. The Inter-Agency Standing Committee is currently in the process of establishing a task group to develop comprehensive guidelines on disability inclusion in humanitarian crises that will include guidance for accessible and inclusive responses to victims with mental and/or physical disabilities who are trafficked in armed conflict.

[15] During the seventy-first session of the General Assembly, the Office organized a meeting titled "Bearing witness: combating human trafficking and forced migration", to complement the high-level plenary meeting on addressing large movements of refugees and migrants, held on 19 September 2016.

V. Recommendations

63. I urge the Security Council to:

(a) Call upon Member States that have not yet done so to ratify or accede to the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention; the Forced Labour Convention, 1930 (No. 29) and its Protocol of 2014 and the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization; the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the Convention on the Rights of the Child and its Optional Protocols on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict; and the Convention on the Elimination of All Forms of Discrimination against Women;

(b) Call upon Member States to implement the Convention and the Protocol by effectively criminalizing trafficking in persons, providing protection and assistance to victims and strengthening international cooperation;

(c) Call upon Member States to implement the recommendations of the human rights treaty bodies and the Open-ended Interim Working Group on Trafficking in Persons established by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime to address prevention and responses to trafficking in persons, including ensuring accountability of those responsible for related crimes;

(d) Call upon Member States to increase their efforts to investigate and prosecute cases involving trafficking in persons, including by making timely use of financial investigation techniques, special investigative techniques and other tools designed to combat all forms of organized crime, and to establish trafficking in persons as a predicate offence for the laundering of the proceeds of crime;

(e) Encourage Member States to consider establishing jurisdiction, in line with article 15 of the Convention, to prosecute instances of human trafficking committed by their nationals abroad;

(f) Encourage Member States to train all peacekeeping and other personnel deployed in conflict and post-conflict zones on responding to trafficking in persons, gender sensitivity, sexual exploitation and abuse prevention and assessing conflict-related sexual violence as a mandatory component of predeployment training, and to ensure that this consideration is integrated into the performance and operational readiness standards against which troops are assessed;

(g) Request the United Nations Office on Drugs and Crime to lead the development of a data collection system to be used by United Nations missions and entities operating in conflict and post-conflict areas for the purpose of reporting within the framework of the UNODC *Global Report on Trafficking in Persons*;

(h) Encourage Member States to submit information to UNODC concerning the identification of victims of trafficking originating from conflict and post-conflict areas for inclusion in the *Global Report on Trafficking in Persons*;

(i) Request UNODC to develop and disseminate materials consolidating measures, methodologies and indicators to identify as early as possible and prevent trafficking in persons from the outset of a conflict, for use in source, transit and destination countries;

(j) Recognize the role and contribution of civil society in enhancing the identification and referral of victims of trafficking originating from conflict and post-conflict areas;

(k) Note ongoing efforts by the United Nations to address both sexual exploitation and abuse and trafficking in persons, including in the context of United Nations peacekeeping operations;

(l) Note current procedures and safeguards in the management of the United Nations public procurement and supply chains to ensure that they do not contribute to trafficking in persons in situations of armed conflict.

64. The Security Council may wish to request me to continue to report annually to the Council on trafficking in persons related to conflict and the efforts of the international community and the United Nations system to prevent and respond to it.